

EIGHTH DAY.

(Monday, February 3, 1930.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Kinnear.
Acker.	Land.
Ackerman.	Lee.
Adkins.	Lemens.
Allred.	Magee.
Avis.	Mankin.
Baker.	Marks.
Baldwin.	Mauritz.
Barnett.	Maynard.
Bateman.	McCombs.
Bond.	McDonald.
Bounds.	McGill.
Brice.	Mehl.
Brooks.	Metcalfe.
Carpenter.	Minor.
Chastain.	Montgomery.
Coltrin.	Moore.
Conway.	Morse.
Cox of Lamar.	Mullally.
Cox of Limestone.	Murphy.
Davis.	Negley.
DeWolfe.	Olsen.
Dunlap.	Palmer.
Enderby.	Patterson.
Farrar.	Pavlica.
Finlay.	Petsch.
Forbes.	Pool.
Gates.	Pope of Nueces.
Gilbert.	Purl.
Giles.	Quinn.
Graves	Ray.
of Williamson.	Reader.
Graves of Erath.	Richardson.
Harding.	Riley.
Harman.	Rogers.
Harper.	Rountree.
Harrison.	Sanders.
Hines.	Savage.
Holder.	Shaver.
Hopkins.	Shelton.
Hornaday.	Sherrill.
Hubbard.	Simmons.
Jenkins.	Sinks.
Johnson	Snelgrove.
of Dallam.	Speck.
Johnson	Stephens.
of Dimmit.	Storey.
Johnson of Smith.	Tarwater.
Johnson of Scurry.	Turner.
Kayton.	Van Zandt.
Keeton.	Veatch.
Keller.	Wallace.
Kemble.	Walters.
Kennedy.	Warwick.
Kenyon.	Webb.
Kincaid.	West.
King.	Westbrook.

Williams
of Sabine.
Williams
of Hardin.

Williams
of Travis.
Woodruff.
Young.

Absent.

Beck.
Bradley.
Duvall.
Eickenroht.
Fuchs.
Hefley.
Hogg.
Long of Wichita.
Loy.

Martin.
Nicholson.
O'Neill.
Reid.
Renfro.
Thompson.
Tillotson.
Waddell.
Wiggs.

Absent—Excused.

Anderson.
Albritton.
Ewing.
Finn.
Hardy.
Heaton.
Jones.
Justiss.

Long of Houston.
McKean.
Mosely.
Pope of Jones.
Prendergast.
Stevenson.
Strong.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Long of Houston for today, on motion of Mr. Palmer.

Mr. Hardy for today, on motion of Mr. Keller.

Mr. Stevenson for today, on motion of Mr. Mankin.

Mr. Lee for three days of last week, on motion of Mr. Finlay.

Mr. Heaton and Mr. Mosely for today, on motion of Mr. Metcalfe.

Mr. Anderson for today, on motion of Mr. Reader.

Mr. Justiss for today, on account of bad roads, on motion of Mr. Bounds.

Mr. Jones for today, on motion of Mr. Rogers.

Mr. Renfro for today, on motion of Speaker Barron.

Mr. Prendergast for Monday, Tuesday, and Wednesday of this week, on motion of Mr. Hines.

The following members were granted leaves of absence on account of illness:

Mr. Albritton for today and indefinitely, on motion of Mr. Webb.

Mr. Finn for today, on motion of Mr. Woodruff.

Mr. McKean for today, on motion of Mr. Shelton.

Mr. Pope of Jones for today and the

balance of the week, on motion of Mr. McGill.

HOUSE BILL ON FIRST READING.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Tarwater:

H. B. No. 15, A bill to be entitled "An Act providing for the sale of all oil and/or gas in State Prison lands by lease; creating a board for lease of State Prison lands and prescribing the duties and powers of said board; prescribing the mode and manner of selling oil and gas in State Prison lands and the disposition to be made of the proceeds of such sales; making an appropriation to defray the expenses of enforcing the act, etc."

Referred to Committee on Penitentiaries.

BILL RE-REFERRED.

On motion of Speaker Barron, by unanimous consent, House bill No. 15 was withdrawn from the Committee on Penitentiaries and referred to the Committee of the Whole House.

EXTENDING PRIVILEGES OF THE FLOOR.

On motion of Mr. Young, the House, by unanimous consent, extended the privileges of the floor to the members of the Oklahoma delegation.

COMMUNICATION FROM MR. JOHN A. HELD.

On motion of Mr. Harper the following communication was ordered printed in the Journal:

Waco, Texas, February 2, 1930.

Representative J. W. Harper, Austin, Texas.

Dear Sir and Brother: I note from the papers that you challenged the statement of Dr. Barnes. I want to endorse you in this matter and say that you have the facts on your side.

Dr. Barnes, in all probability, got hold of the wrong book when he looked up certain information—these men do that sort of thing sometimes. He certainly goes in the teeth of all previous records and surely in the teeth of all experience.

He contradicts all scientific investigations and all history. I am glad that

you challenged him and I hope that you will demand that he furnish the evidence (if that is necessary).

Here is what a recent book by Sheldon Glueck and Eleanor Glueck shows. Five hundred criminals were studied and the evidence shows: That in 70 per cent of the careers studied, the criminal's home life had gone to smash, before he reached the age of 14. Only one-third of the men were normally intelligent. There had been prior delinquency in 80 per cent of the families represented. The statement is further made, that of 510 men discharged from reformatory, 80 per cent were returned because they had entered lives of crime again.

There are other statements which show that criminals are not from homes of religious influence, and that where the criminals came from such homes, they had fallen into bad company and were misled and misdirected. There are sometimes homes "called religious" where parents are careless and shiftless. They are not properly to be classed in that category. They have entered churches for the purpose of getting financial aid.

This man Barnes is a slanderer and an uninformed individual on this subject, if he seriously claims that, or believes that his statement is true.

I am writing this to express my appreciation of your firm stand, and to let you know that others appreciate the fact that you did not let this falsehood go by unchallenged.

Sincerely yours,
(Signed) JNO. A. HELD.

ADDRESS BY HON. BEN. J. WOODALL.

Mr. Metcalfe offered the following resolution:

Whereas, Hon. Benjamin Woodall of Marshall, Texas, a former member of this House, is at the bar of the House; and

Whereas, The members of this House desire to hear again his melodious voice and have the benefit of his counsel and wisdom; now therefore, be it

Resolved, That Hon. Benjamin Woodall be invited to address briefly the House and be granted the privileges of the floor during his stay in Austin.

Signed—Metcalfe, Bond, Rountree, Stephens, Van Zandt, Riley.

The resolution was read second time and was adopted.

In accordance with the above action the Speaker announced the appointment

of the following committee to escort Hon. Ben. J. Woodall to the Speaker's stand:

Messrs. Riley, Palmer and Quinn.

The committee having performed their duty Speaker Barron present Mr. Woodall to the House.

Mr. Woodall then addressed the House.

COMMUNICATION FROM BRIGADIER GENERAL WOLTERS.

The Speaker laid before the House and had read the following communication:

Adjutant General's Department,

Austin, Texas, January 31, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives, Austin, Texas.

Mr. Speaker: The high tribute paid me by the Legislature in House concurrent resolution No. 12, together with the award of a medal, I recognize and accept, I trust with pardonable pride, as the greatest honor that could have been bestowed upon me as a citizen and servant of the State.

Service to the State in times of peace, and to the common defense of the Union in times of war, is the obligation voluntarily assumed by each member of the National Guard.

To comply with the orders of the Governor of Texas on the occasions referred to in House concurrent resolution No. 12 was my plain duty as an officer of the Texas National Guard. As a citizen and lawyer, who reveres the Constitution of the United States, and of the State of Texas, the opportunity to aid the civil power in the restoration of constitutional government, and the majesty of the civil law, when and where the civil authorities failed, and to have contributed aid to the peoples of an area affected by public disaster, was a high privilege.

I would not be human if the generous action of the Legislature did not arouse my deepest emotion of appreciation and gratitude. Words can not portray them. I can only convey by this means my appreciation and thanks to the Legislature as a whole, and to each member of the House and Senate individually, for the great compliment and signal honor conferred upon me.

Gratefully and sincerely yours,

JACOB F. WOLTERS.

On motion of Mr. Storey the communication was ordered printed in the Journal.

PROVIDING FOR PICTURES OF NEW MEMBERS.

Mr. Bateman offered the following resolution:

Resolved, That the Elliott photographers be requested to make a small block group picture of the new members of the House and the new officers, elected since the Regular Session and place same on our walls; therefore, be it further

Resolved, That the amount of twenty-five dollars or as much as may be necessary be set aside for the purpose of framing said picture, out of the contingent expense fund of the House; and be it further

Resolved, That the photographers be authorized to insert Mr. Williams of Hardin's picture in the large picture already made of the House of the Forty-first Legislature.

The resolution was read second time and was adopted.

REQUESTING CERTAIN FINANCIAL STATEMENT.

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 8, Requesting certain information from Hon. Dan Moody, Governor.

The resolution having heretofore been read second time.

Mr. Storey offered the following (committee) substitute for the resolution:

H. C. R. No. 8, Requesting certain financial statement.

Whereas, According to published reports of the press of Texas at different times recently it appears that tax money, collected for specific purposes, has been diverted and used for purposes other than the purposes for which it was collected. This, if true, is a direct and flagrant violation of Section 7, Article 8, of the Constitution of Texas; and

Whereas, Section 6 of Article 8 of the Constitution provides that no money shall be drawn from the Treasury, except in pursuance of specific appropriations made by law; and

Whereas, Section 49 of Article 3 of the Constitution provides that no debt shall be created by or on behalf of the State, except for the specific purposes named; and therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the Comptroller and Treasurer of the State furnish within the next ten days a financial statement as of January 15, 1930, and other information

herein requested, of the condition of the funds named herein, as disclosed by the records of the Comptroller's office and the State Treasurer's office, as follows:

A. General Revenue.

First—Amount of general revenue in the State Treasury.

Second—Amount of outstanding warrants against the general revenue.

Third—Is there any general revenue in the State Treasury that has not already been appropriated?

Fourth—Will the income from taxes levied, including the ad valorem, the occupation, and the franchise tax, and from other sources be equal to or exceed the amount of all appropriations already made for the biennium, ending August 31, 1931?

As the answer to this question must be based on estimates as to the income, please furnish detailed statement of your estimate.

Fifth—Has any of the general revenue fund been used during the period, September 1, 1929, to January 15, 1930, for any purpose or purposes contrary to legislative authority in paying warrants not drawn against the general revenue fund or has any of the fund been transferred to any other fund or deposited in any banks without authority of law?

B. Pension Fund.

First—If any of the general revenue fund has been transferred to any other fund, give the amount of money in such last mentioned fund as of January 15, 1930.

Second—Give the amount of outstanding warrants against such last mentioned fund as of January 15, 1930.

If warrants drawn against this fund and paid exceeded the amount of money collected by the 7-cent Confederate pension tax from September 1, 1929, to January 15, 1930, give the fund out of which the money was paid.

C. Trust Fund.

First—In many instances the law required funds, in approved securities or money, to be deposited in the State Treasury as a condition precedent for different lines of business to be carried on in Texas. If such deposits are required to be in money, is the money now in the State Treasury, and if not and same is deposited in banks, state to what fund the interest on such deposits is credited?

D. School and Highway Funds.

First—Give the amount of money in the available school fund, also the amount in the permanent school fund, and the amount in the highway fund separately, as of January 15, 1930.

Second—Give the amount of outstanding warrants against each of these funds as of January 15, 1930.

Third—Has any money from these funds or any one of them been used to pay warrants other than warrants drawn against such funds at any time from September 1, 1929, to January 15, 1930, where same was not authorized by law?

Fourth—Has any money belonging to these funds or any one of them been deposited in banks between September 1, 1929, and January 15, 1930, and if so, please cite legislative authority for making such deposits?

The (committee) substitute resolution was adopted.

The resolution, as substituted, was then adopted.

ADDRESS BY HON. CARL WILLIAMS.

In accordance with a resolution heretofore adopted providing for a joint session of the House and Senate to hear an address by Hon. Carl Williams, the Honorable Senate appeared at the bar of the House and, being duly announced, were escorted to seats prepared for them along the aisle.

Lieutenant Governor Barry Miller being invited, occupied a seat on the Speaker's stand.

The Speaker announced the appointment of the following committee to escort Hon. Carl Williams, accompanied by Hon. Dan Moody, Governor, to the Speaker's stand:

Messrs. Bateman, Kennedy, Pavlica, Johnson of Smith and Shelton.

The committee having performed their duty, Speaker Barron presented Hon. Dan Moody to the joint session who in turn introduced Hon. Carl Williams.

Hon. Carl Williams then addressed the assemblage.

The Senate then retired to its Chamber.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 3, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to

inform the House that the Senate has passed

S. C. R. No. 7, Authorizing the Highway Department to send a representative to attend the meeting in New Orleans relative to adjusting confusion arising over automobile licensing along the Texas-Louisiana boundary.

S. C. R. No. 8, Providing for a joint session of the House and Senate at 3 p. m., February 3, 1930, to hear certain members of the Oklahoma committee relative to the Texas-Oklahoma boundary dispute.

Respectfully,

MORRIS C. HANKINS,
Assistant Secretary of the Senate.

PROVIDING FOR JOINT SESSION.

On motion of Mr. Young the regular order of business was suspended to take up for consideration at this time the following resolution:

S. C. R. No. 8, Providing for session in regard to Oklahoma boundary line.

Whereas, Governor Holloway of the State of Oklahoma, accompanied by Attorney General King and other members of the Oklahoma committee in reference to the Texas-Oklahoma boundary dispute, are in the city to confer with the committees of the Senate and the House heretofore appointed by the respective bodies; and

Whereas, It is necessary that the committees from the Senate and the House heretofore appointed be further authorized to act in connection with the matters and things concerning said boundary dispute; therefore, be it

Resolved by the Senate, the House concurring, That the Lieutenant Governor, upon part of the Senate, and Speaker of the House, upon the part of the House, be authorized to reappoint said committees, respectively, or others in lieu thereof, that when said respective committees are so appointed they shall have full authority as heretofore conferred by and through the original appointment; that said committees be authorized to entertain our distinguished guests while they are visiting the Legislature of Texas and conferring with the Texas committees, the expense thereof to be paid equally out of the contingent fund of the Senate and the House; be it further

Resolved, That Governor Holloway and Attorney General King be invited to address a joint session of the Senate and the House at 3 o'clock p. m., this, the 3rd day of February, 1930.

The resolution was read second time and was adopted.

In accordance with the above action the Speaker announced the appointment of the following committee:

Messrs. King, Wallace, Storey, Warwick, Johnson of Dallam, Land, Man-kin, Young, Hopkins and Holder.

PROVIDING FOR COMMITTEE TO INVESTIGATE PENITENTIARY LAND TITLES.

Mr. Storey offered the following resolution:

H. C. R. No. 13, Relative to certain State land titles.

Whereas, The Prison System of the State of Texas is the present owner and holder of large bodies of land in scattered localities, of various shapes and sizes, purchased over a long period of years; and

Whereas, The Legislature is without knowledge as to the titles to said various tracts and the acreage therein and the boundaries thereof are uncertain and cannot from data at hand be accurately determined; and

Whereas, It is commonly believed that certain of said bodies of land are potential oil, gas and mineral land; and

Whereas, Certain of said tracts are contiguous and adjacent to present producing oil and gas properties; and

Whereas, If it should be the policy of the Legislature to sell, lease, develop or otherwise dispose of any of its said land, the possibilities of the potential mineral values should be known, whether they be potential or real, and all titles should be so perfected as to be merchantable and marketable prior to any effort to alienate any of said land; and now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a committee of three lawyer members of the House, to be selected by the Speaker, and two lawyer members of the Senate, to be selected by the Lieutenant Governor, be appointed to forthwith procure from whomever may have in their possession, for the purpose of examination only, the abstracts of titles covering said land, with full authority to have such of said titles, as in their judgment may seem necessary, supplemented and brought down to date by competent abstracters. After said committee shall have examined said titles that its report as to the status thereof be made back to the House and the Senate at the earliest practicable date, which report shall cover such detailed informa-

tion concerning said titles especially with concern to the mineral rights owned by the State of Texas therein.

And for the purpose of meeting the expenses incidental to the preparation of said abstracts and supplements there is hereby appropriated out of the general revenue fund of the State of Texas the sum of five hundred dollars or so much thereof as may be necessary.

Signed—Storey, Hopkins.

The resolution was read second time.

Mr. Keller offered the following amendment to the resolution:

Amend House concurrent resolution No. 13 by striking out "General Revenue Fund" in the last paragraph and placing in place thereof the following: "Contingent Expense Fund of the House of Representatives of the Fourth Called Session of the Forty-first Legislature."

Mr. Purl moved that the resolution be referred to the Committee on State Affairs.

Mr. Finlay moved to table the motion to refer.

Mr. Kennedy raised a point of order on further consideration of the resolution at this time, on the ground that the time for the consideration of resolutions has expired.

The Speaker sustained the point of order.

RECESS.

On motion of Mr. Morse the House, at 12:10 o'clock p. m., took recess to 1:30 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 1:30 o'clock p. m., and was called to order by the Speaker.

COMMITTEE OF THE WHOLE HOUSE.

On motion of Mr. Sanders, the House, at 1:35 o'clock p. m., resolved itself into a Committee of the Whole House for the purpose of considering penitentiary matters.

(In Committee of the Whole House, Mr. Barron in the chair.)

IN THE HOUSE.

(Mr. Barron in the chair.)

Mr. Barron, Chairman of the Committee of the Whole House, at 3 o'clock p. m. reported to the House that the Committee desired to rise, report progress

and ask leave to sit again at 4 o'clock p. m. today.

The House adopted the report.

INTRODUCTION OF OKLAHOMA DELEGATES.

In accordance with a resolution heretofore adopted, providing for a joint session of the House and Senate to receive the members of the Oklahoma boundary line committee, the honorable Senate appeared at the bar of the House and, being duly announced, were escorted to seats already prepared for them along the aisle.

Lieutenant Governor Barry Miller, being invited, occupied a seat on the Speaker's stand.

The honorable visitors, accompanied by Hon. Dan Moody, Governor; Hon. R. L. Bobbitt, Attorney General, and the committee heretofore appointed by the Speaker, appeared at the bar of the House and, being duly announced, were escorted to seats on the Speaker's stand.

Speaker Barron then presented Hon. Dan Moody, who in turn introduced Hon. W. J. Holloway, Governor of Oklahoma, to the joint session.

Hon. W. J. Holloway then addressed the assemblage.

Speaker Barron then presented Hon. R. L. Bobbitt, who in turn introduced Hon. J. Berry King, Attorney General of Oklahoma, who addressed the assemblage.

The Senate then retired to its Chamber.

COMMITTEE OF THE WHOLE HOUSE.

On motion of Mr. Keller, the House, at 4 o'clock p. m., resolved itself into a Committee of the Whole House for the purpose of considering penitentiary matters.

(In Committee of the Whole House, Speaker Barron in the chair.)

IN THE HOUSE.

(Mr. Barron in the chair.)

Mr. Barron, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave of the House to sit again at 9:30 o'clock a. m. tomorrow.

The House adopted the report.

COMMUNICATION FROM STATE TREASURER.

The Speaker laid before the House and had read the following communication:

Treasury Department,
State of Texas.

Austin, Texas, January 30, 1930.

Hon. W. S. Barron, Speaker, House of Representatives, Austin, Texas.

Dear Sir: Your State Treasurer, who has received nearly \$500,000,000 and paid out a like amount during the past five years, would like to appear before the House of Representatives at the earliest possible date after January 31 to give a brief account to your body of my stewardship and to make answer to all of the statements given to the press, to the Governor and to you by the State Auditor relative to myself and the Treasury Department, and that the Governor be invited to be present.

I am making a similar request of the Senate. If this courtesy and privilege, in the wisdom of your honorable body, is denied me, then I shall take pleasure in filing with you a printed report and answer to the State Auditor.

Yours very truly,

(Signed):

W. GREGORY HATCHER,
State Treasurer.

INVITING STATE TREASURER TO
MAKE STATEMENT TO THE
HOUSE.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 6, Inviting the State Treasurer to address the Legislature.

Whereas, Mr. Gregory Hatcher has information he desires to present to the House and the Senate; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That Mr. Hatcher be invited to address the joint session of the House and the Senate on Monday, February 3, at 7:30 p. m., and that the Governor and the Auditor and Comptroller, and all other interested parties, be invited to be present and answer Mr. Hatcher, if they desire.

The resolution was read second time.

On motion of Mr. Petsch, the resolution was laid on the table subject to call.

RELATIVE TO CERTAIN LAND
TITLES.

Mr. Keller moved that House concurrent resolution No. 13, relative to penitentiary land titles, be set as a special order for 5:20 o'clock p. m. today.

The motion prevailed by the following vote:

Yeas—71.

Mr. Speaker.	McGill.
Ackerman.	Mehl.
Adkins.	Minor.
Avis.	Montgomery.
Barnett.	Moore.
Bateman.	Mullally.
Beck.	Murphy.
Bond.	Negley.
Bradley.	Palmer.
Brice.	Pavlica.
Chastain.	Pope of Nueces.
Coltrin.	Quinn.
DeWolfe.	Ray.
Duvall.	Reader.
Eickenroht.	Richardson.
Farrar.	Riley.
Finlay.	Rogers.
Fuchs.	Rountree.
Gates.	Sanders.
Giles.	Shaver.
Graves of Erath.	Sherrill.
Harrison.	Snelgrove.
Hines.	Speck.
Holder.	Stephens.
Johnson	Storey.
of Dallam.	Tarwater.
Johnson of Smith.	Tillotson.
Keller.	Turner.
Kennedy.	Van Zandt.
King.	Veatch.
Kinnear.	Walters.
Lee.	West.
Long of Wichita.	Westbrook.
Magee.	Williams
Mankin.	of Travis.
McCombs.	Young.
McDonald.	

Nays—32.

Allred.	Kincaid.
Baker.	Land.
Bounds.	Lemens.
Carpenter.	Marks.
Conway.	Martin.
Cox of Lamar.	Mauritz.
Cox of Limestone.	Petsch.
Davis.	Pool.
Forbes.	Purl.
Gilbert.	Savage.
Harman.	Simmons.
Harper.	Sinks.
Hornaday.	Williams
Johnson	of Sabine.
of Dimmit.	Williams
Johnson of Scurry.	of Hardin.
Kayton.	Woodruff.
Keeton.	

Present—Not Voting.

Webb.

Absent.

Acker.	Brooks.
Anderson.	Dunlap.
Baldwin.	Enderby.

Graves	Morse.
of Williamson.	Nicholson.
Harding.	Olsen.
Hefley.	O'Neill.
Hogg.	Patterson.
Hopkins.	Reid.
Hubbard.	Renfro.
Jenkins.	Shelton.
Kemble.	Thompson.
Kenyon.	Waddell.
Loy.	Warwick.
Maynard.	Wiggs.
Metcalf.	

Absent—Excused.

Albritton.	McKean.
Ewing.	Mosely.
Finn.	Pope of Jones.
Hardy.	Prendergast.
Heaton.	Stevenson.
Jones.	Strong.
Justiss.	Wallace.
Long of Houston.	

The Speaker then laid before the House, for consideration at this time, House concurrent resolution No. 13, relative to certain land titles, with motion by Mr. Purl to refer the resolution to the Committee on State Affairs, and motion by Mr. Finlay to table the motion to refer the resolution, and an amendment by Mr. Keller, pending.

Mr. Woodruff moved that the House recess to 9:29 o'clock a. m. tomorrow, and the motion was lost.

Mr. Finlay withdrew the motion to table.

Mr. Purl then withdrew the motion to refer the resolution.

Question then recurring on the amendment by Mr. Keller, it was adopted.

Mr. Johnson of Dimmit offered the following substitute for the resolution:

Whereas, The prison system of the State of Texas is the present owner and holder of large bodies of land in scattered localities of various shapes and sizes, purchased over a long period of years; and

Whereas, The Legislature is without knowledge as to the titles and abstracts of titles and opinions, if any, thereon, but assumes such titles were duly passed by the Attorney General's Department of the State of Texas at the time of the respective purchases of said lands; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a committee of three members of the House, to be selected by the Speaker, and two members of the Senate, to be selected by the Lieutenant Governor,

be appointed to ascertain from the Attorney General's Department and elsewhere, and report to this session of the Legislature, what abstracts of title, if any, and what opinions on the titles, if any, are in existence, and who has possession of such abstracts and opinions; be it further

Resolved, That said committee is instructed not to incur any expense against the State of Texas without further authorization.

Signed—Johnson of Dimmit, Sinks, Purl.

Question—Shall the substitute resolution be adopted?

RECESS.

On motion of Mr. Woodruff, the House, at 5:45 o'clock p. m., took recess to 9:29 o'clock a. m. tomorrow.

EIGHTH DAY.

(Continued.)

(Tuesday, February 4, 1930.)

The House met at 9:29 o'clock a. m. and was called to order by Speaker Barron.

HOUSE BILL ON FIRST READING.

The following House bill, introduced today, was laid before the House, read first time and referred to the appropriate committee, as follows:

By Mr. Metcalfe and Mr. Petsch:

H. B. No. 16, A bill to be entitled "An Act to amend Section 3 of Chapter 212, Acts Regular Session, Fortieth Legislature, so as to create the Texas Prison Board composed of three members, providing for the appointment of the members of the board, prescribing certain qualifications of such appointees, fixing the term of office, providing for the filling of vacancies which may occur, repealing all laws in conflict with this act, and declaring an emergency."

Referred to Committee on Penitentiaries.

RELATING TO CERTAIN PENITENTIARY LAND TITLES.

Mr. Sherrill moved that the House do now resolve itself into a Committee of the Whole House for the purpose of considering penitentiary matters.

Mr. Keller raised a point of order on further consideration of the motion on